Morning Oregonian.

VOL. XXIII. PORTLAND, OREGON: FRIDAY, FEBRUARY 16, 1883 NO. 7.06.

GENERAL NEWS.

Magnificent Fortune of One Hundred Million Dollars.

Preparations for the Presentation of the Passion Play.

Investigation of the Charges against Senator Ferry, of Michigan.

[SPECIAL DISPATCHES TO THE OREGONIAN.]

Denver, Feb. 15.—A. McIlwraith, for several years the government secret service in this city, states that he is one of a dozen heirs who will shortly come into the possession of a fortune, estimated at $100,000,000, in England. He says: "For fifteen years I have been at work trying to bring this about, and it has been attained. The matter is still in the courts, although, from what I have heard, the claimants will soon be virtually settled. Mrs. Frances McIlwraith's grandmother, living at Geneva, Ill., is the first and nearest heir to the great fortune. Mrs. Fair was born in 1827, and is a close relative, and now the nearest relative, of Colonel Fair, of

MAYFLOWER FAME.

Besides F. McIlwraith there are his brothers, Webster, Phillip, Oliver, Condit, and William, of Cleveland. Besides those who will get a slice of the fortune are Mrs. French, Mrs. Bigelow and Mrs. Robinson. All of the same city, all daughters of Mrs. McIlwraith. Mrs. Fair of Geneva is the nearest deceased relative of Col. Bradford, who received his great fortune by his second wife, Alice Carpenter, who in turn received her wealth from her first husband, an Englishman. The courtship in England, the separation of Col. Bradford and Miss Carpenter, and subsequent meeting and marriage in America, when Col. Bradford was a widower and his first love a widow, is a matter of history."

The Passion Play.

New York, Feb. 15.—Preparations for the presentation of the Passion play are now complete, and the scene of the production is finished in the manner which is to be presented to-morrow night. The place is lighted throughout by thousands of seven candles each, made after the fashion of seven candles used in the Jewish synagogues. A full dress rehearsal will be given on Saturday evening and invitations will be issued about the size of a sheet of note paper, and in the form of a large number of well known men, asking their presence. The programme has been printed, and the manager has the name of every person who has purchased a ticket. The words, however, will be changed in a number of several places. It is believed that the scene of the crucifixion can be made for 50 cents, and the monopoly will not make a charge for such exhibition.

Albany's Subscription.

Albany, Feb. 15.—Mr. Imlay left for the eastern company to-day. He has Campanini and Valrea and has virtually engaged Hinkels. He will probably engage Smith and Gardner next January. He says he has a very little ordinary material. The new Metropolitan Opera house will be fire-proof and the finest in the world, even larger than La Scala, Milan.—It will seat 5,000 persons.

Suicide of a Woman in the Cage.

Lima, Feb. 16.—In hunting up defrauders of the revenue, the government inspectors have been arrested in and Miss Cora Laker, a leading young lady of this city. Mrs. Cook, California, committed suicide by taking a dose of strychnine. She was a native of Lima, but her absence from the city made it impossible to complete an examination here soon. It reported that the arrest of Miss Laker created consternation in European circles, and the duty she evaded was about equal to the value of her trip.

Black Hawk Drama.

Cedar Rapids, Feb. 15.—The morning papers comment on the mortality within the past four months among millionnaires who had enormous blocks of stocks and bonds, and upon the supposition that the list is not settled up, thereby forcing sales at a time when the sustaining power of the president is removed. Moses Taylor, Geo. Ticknor, of sewing machine notoriety, W. H. Vanderbilt and Jay Gould are all persistent bulls.

Head of the Mutual Union.

New York, Feb. 16.—The Mutual Union formally took charge of all its effects yesterday, to the Western Union, which endorses the claim.

Pursued to Georgia.

Atlanta, Feb. 16.—The Post says, Insurance Commissioner Clark resigned because Governor Butler refused to have his report read to the legislature. Clark says he has evidence that the insurance companies for favorable reports.

Refunding Money.

Washington, Feb. 14.—It is stated that one firm has paid the government $7000 duties on goods brought in from Canada which evidence was found, and has been refunded to them.

Mineral Stock.

Boston, Feb. 15.—Mission was sick at the Grand Opera House yesterday and missed her engagement at Providence. Her performance has been postponed for several days. She may have Saturday.

Gold Refooting.

Boston, Feb. 15.—Reported for several days. Closed at 10 A. M. to-day at 11, Buyers scattering.

ACCIDENTS.

A Holocaust Prevented.

Boston, Feb. 15.—An accident occurred to-day on the Fitchburg road. Three coaches and two Pullmans were ditched. The engine, mail and baggage cars shot passed safely. The engineer, with great presence of mind, stopped the train and put out the flames that had broken out in one of the Pullmans, thus preventing a holocaust. Mrs. Dr. Thomas was killed instantly. She resided at St. Vincent, Ontario, and was going to see her daughter, Mrs. Hill was injured internally. Thomas Lindsay was killed instantly in the train. He jumped from the car and was thrown under the trucks. Sixteen others more or less hurt.

Disasters on the Ocean.

Halifax, Feb. 15.—Two more are probably missing. The steamer Lisbon, bound from Halifax to Boston, was injured by a collision yesterday in the south channel, between the Chicago, Burlington and Quincy, and the Milwaukee and St. Paul trains. The engine, the baggage, the express, and mail cars were the unfortunates. All are thought to be more or less injured, and the carelessness of the drivers should be made to smash up.

Boat's Keel-it was Found.

Boston, Feb. 16.—Lem Bentough pointed a needle at a penny at Hingham in front of a school house yesterday, ten miles south of this city, merely to test the range of the gun. He understood the gun was unloaded, but it was charged with shot, wounding three children, one dangerously, if not fatally. He is in jail to await an investigation.

Explosion and Fireman Killed.

Boston, Feb. 15.—The St. Louis express train from Kansas City last night, when about 20 miles west of Hannibal, Mo., at six o'clock this morning, encountered a broken rail and five of the cars were ditched and the train wrecked. The engineer, John Lester, was scalded to death, and Fireman Murphy, was cut into four pieces. No others injured.

Collision on the Cincinnati Northern.

Boston, Feb. 16.—A collision occurred last night on the Cincinnati Northern, a few miles from this city, whereby Colwell was killed, and Engineer R. Knight, Russell Manning and Samuel Anderson seriously injured. The latter is a well known

WOLFE'S

THE WOLFE'S SKIN

NERVOUS, DEBILITATED,

CURE GUARANTEED.

CRIMINAL NOTES.

The Real Murderer Discovered.

Boston, Feb. 16—The local detectives have evidence which they believe will convict Fred Langmann, a young lad boy, of the murder of Miss Mc-Intyre, in Olde county, Saturday last. Another lad, Fred Swartzel, who was arrested on St. Louis, Mo., Sangendorf has been arrested here, the evidence against him is very strong.

Organized Band of Outlaws.

St. Louis, Feb 15.—Young Dallas, who robbed the bank and helpless father, a few weeks ago, belongs to an organized band of outlaws, numbering in all about twenty in the northwest counties, the leader, Jesse James, probably dead.

Fraudulent Land Scrip.

St. Louis, Feb. 15.—The Dakota fraudulent land scrip case was postponed to-day until after recess. On application of counsel for the defendants the case was granted on the ground of absence of witnesses and a defective jury panel.

Guilty of Manslaughter.

St. Louis, Feb. 15.—Matt. Lynch, colored, was found guilty of murder in the second degree for killing his wife, on the 26th inst.

PORTLAND.

Going to Alaska.

Portland, Feb 15.—The Fideliter has been chartered to proceed to the west coast of Alaska to the extension of Wallenberg and Calderby, near the

BOERNER'S ACID PHOSPHATE

In Cases of Alcohol.

DR. P. BOERNER, Diamond St., Philadelphia, Pa., says: "I have used your Acid Phosphate in cases of disease of the brain, from abuse of alcoholic

JAY GOULD.

The Great Monopolist Preparing for a Trip Around the World—What he says to a Reporter.

[SPECIAL DISPATCH TO THE OREGONIAN.]

New York, Feb. 15.—The Herald has the following: "Jay Gould will start on his tour around the world about the middle of the coming summer, and will probably stay two years. He will spend the winter in the Mediterranean, visiting Italy, Turkey, Egypt and India as well as China and Japan and possibly Australia.

Gould said to an interviewer: 'I am going to try a little play. I did not have an opportunity when I was young, and I intend to enjoy playing later in life. If I like it I may keep it up. I have always been thinking of retiring from active business life, but I have never been able to do it.

'Everyone has his special desire. Vanderbilt has cultivated a love for fast horses, because they gave him pleasure and health. I do like good horses, but I don't carry my liking to the extreme. I find pleasure in other ways. I try to enjoy my business and I enjoy my home and family the best of anything in the world. I think I have my share of pleasant things in this world. I receive a great many kicks and cuffs but they make the sweets the sweeter.

'You are about to take a trip to the southward, are you not?' asked the reporter.

A REGULAR BUSINESS TRIP.

'Yes, but I am called as a witness in the elevated railway suits, and I cannot tell when I shall start. I may go as far as California. It will be one of my regular business trips, which is generally taken about a month. I have no prospects or plans connected with the trip. I like to go out once or twice a year and see new springings up. They grow faster than they do in long settled regions; six months after make great changes. I am well pleased with the southwestern system. It has gone ahead of my expectations in the development of the country, and the financial results that come from it. I do not think there is a railroad in the country that could make as fine a showing in earnings as the Missouri Pacific top the past year. My interest in the Western Union is simply as an investment. I never had

ANY MONOPOLY IDEAS

in it. The Herald also publishes interviews with several gentlemen connected with the schemes, of which the following, from Dr. Graves is the clearest.

My attention has been called to the account of an interview between a Herald reporter and myself respecting the Isabella mining company, which was published Wednesday last; also to the statements made by Jesse T. Russell respecting myself, as published yesterday. In this account of his interview with me the reporter states not only that he (Dr. Graves) put

ALL THE MONEY HE POSSESSED

into the company on faith in the promises made in its behalf were so great that he borrowed $5000 additional and invested it. I never said that to the reporter nor anything which could reasonably be so construed. I said I lost in the enterprise what was to me a large amount, though to many it would have been very small. What I invested, however, was my own money and not other people's. It did not happen to be all I possessed. An unwarrantable use has been made of my statement. I should not wish to take Dr. Fowler's responsibility in the case for all the money he had made or lost. My language did not imply nor was it designed to imply any transactions of dishonesty on the part of Dr. Fowler in his statement made in reference to the influence of advertisements or editorials respecting the prosperity of the company, published in the Christian Advocate, while Dr. Fowler was editor of that paper, in which I understood him and to his subsequent endorsement of Major Simmons.

RAILWAY RUMBLINGS.

Risk of Life on the Mail.

Chicago, Feb 13.—The Railway Age has tables showing the number of passengers carried for the year ending June 30, 1882. According to the count (was 170,960,000, and of employees 419,000. Of passengers only 61 were killed, without their own carelessness, or less to every 2,800,000, while of employees 805 were killed, or one in every 1611. One passenger to every 814,421 received injuries, and one employee to every 417. One passenger in every 2,800,000 was killed from causes beyond his own control, and one to every 1,266,000 was injured. An astonishing feature is the small danger to ordinarily careful passengers. The injuries to employees shows a very high rate and the mortality is terrible.

General Agents' Association.

St. Louis, Feb 15.—The Western association of general passenger and ticket agents this morning, elected the following officers: President, H. B. Townsend, of the Wabash road; vice-president, C. S. Gleddins, of the Union Pacific; secretary, J. M. Chesebrough, of the Kansas Pacific lines, with an executive committee and board of arbitration. The meeting is still in progress.

War of Rates.

Chicago, Feb. 15.—All indications point to a disastrous war of rates between the eastern trunk lines. Rumors come from all sections of entering wedges, and board of trade men who are out with the roads tell alarmingly of the opening of lake navigation, and that the season instead of half as formerly will be the rends to terms. This increases the feeling of distrust among the roads.

Cost of the Houston & Texas.

New York, Feb. 15.—C. P. Huntington denies the report that the price paid for the Houston & Texas Central railroad was between eight and nine million dollars. He said it was much less, but declined to particularize. He said the property would be managed in harmony with the other railroads, and no existing interests were threatened by it.

A Five-cent Fare.

Albany, Feb. 15. The senate has passed the five cent fare bill for the elevated roads. The governor's signature makes it a law.

SPORTING NOTES.

Sullivan and Slade to Fight.

New York, Feb. 15.—The Tombstone Epitaph says that a prize fight is soon to take place between Sullivan and Slade for $5000 a side. Both of Slade's friends said yesterday, to know for a fact that Slade is ready to sign the articles to fight Sullivan at a moment's notice, and that he will meet Sullivan within a month. Slade's backers say that Sullivan will meet Slade in Taylor's hold, Jersey city.

The Cat Case.

The Cat case, a challenge against Pat Fay, who says: "I agree to the sporting public and to Sullivan and his backers that Slade will fight a well known opponent, with $500 to $1000 a side, and the match can be arranged when our antagonist will meet Slade in Taylor's hold, Jersey city."

The Daily Oregonian

FRIDAY MORNING

NEW ESSENTIALS

THE COUNTY COURTS

THE GROWING CROPS

EFFECT OF THE FREEZE ON FALL SOWN WHEAT

Considerable Damage Through out the Willamette Valley but Much Is Still in Splendid Condition

WILLAMETTE VALLEY

Yamhill

THE WALLA WALLA VALLEY

Kittitas

Douglas

Spokane.

NEW TO-DAY.

AMUSEMENTS.

HISTORIC NAMES.

TO THE EDITOR OF THE OREGONIAN

A BARKING DOG

NEWS OF THE NORTHWEST.

Western Oregon.

MARRIED.

NEW TO-DAY.

FOR SCHOOL CLERK.

THE FIRST OF THE SEASON!

THE JERSEY LILY!

PROFESSIONAL CARDS.

LAW CARDS.

BANKS.

WANTED EMPLOYMENT

HELP WANTED

AGENTS WANTED.

LOST.

$5 REWARD.

SHIPPING NOTICES.

AMUSEMENTS.

PALACE SKATING RINK.

SKATING

Morning, Afternoon and Evening

THIRD GRAND CARNIVAL

The Blacksmith's Children,

"PORTLAND BAND OF HOPE,"

COURSE OF LECTURES

DEVELOPMENT THEORY --

THE GRAND CARRIAGES

GRAND SACRED CONCERT

MISS BESSIE LOUISE KING,

NEW MARKET THEATER.

NEW MARKET THEATRE.

TO LET ROOMS

ROOMS FOR RENT

FURNISHED ROOMS

HOUSES AND STORES.

TO LET IN ASTORIA

BUSINESS CHANCES.

SPECIAL NOTICES.

NOTICE OF ASSESSMENT

DISSOLUTION NOTICE.

DISSOLUTION OF PARTNERSHIP

REAL ESTATE AND FINANCIAL.

FOR SALE.

FOR SALE REAL ESTATE

FOR SALE CHEAP

FOR SALE

FOR SALE

THE CHOICEST AND CHEAPEST

FOR SALE

FOR SALE

ADMINISTRATOR'S SALE OF REAL ESTATE.

FOR SALE.

AUCTION SALES.

REGULAR AUCTION SALE

HOUSEHOLD GOODS

LOTS AND BLOCKS

IN THE

RAILROAD SHOPS ADDITION

To the Town of Albina,

FOR SALE BY

HUBBNER & LEAHY,

Real Estate Agents,

No. 2 Washington St., Portland.

TERMINUS ADDITION

TO ALBINA

Opposite Portland:

Five blocks from Company's Works.

All level and sightly

Every lock 100 feet above high water.

Flouring mills to be erected in vicinity.

Street railway to be laid past the property in a few months.

Ferry promised shortly.

Boat yard shortly

Prospective communications present.

Cheap rates to and from markets.

Grounds and terms easy

Apply to MANLY & COLE, or

LENT McGREW & YOUNG.

MILLINERY AND FANCY DRY GOODS

Spring Goods.

We received yesterday, by express, our first shipment of Spring Goods bought by our Mr. Cran in New York, consisting of

SILKS,

NOVELTIES

IN FANCY

DRESS GOODS,

LISLE HOSIERY,

EMBROIDERIES, ETC.

An early inspection is solicited.

JOHN CRAN & CO.

MRS. H. H. HILDEBRAND,

AND

MISS LIZZIE M. ANDERSON,

IMPORTERS OF

FINE MILLINERY,

71 Third St., Ainsworth Building) bet. Oak and Flanders, Portland Or

Orders from the country solicited

HOTELS AND RESTAURANTS.

REOPENED.

INTERNATIONAL HOTEL,

St. Lawrence Hotel & Restaurant,

OREGON HOTEL,

BOOTS AND SHOES.

J. O'CONNOR,

DEALER IN

GROCERIES AND PRODUCE

The Daily Oregonian

FRIDAY MORNING, FEB. 15, 1883.

SUCCESSION IN THE ARMY.

The succession to the important office of quartermaster general of the United States army is a matter which is now creating an unusual degree of excitement in army circles. As is well known, that office is now held by Gen. Ingalls, a former resident of Oregon, who will be retired next year under the provisions of the army bill which passed last year. It will then rest with the President to appoint a successor, who will serve for four years. A bill is now pending in Congress to retire Gen. Ingalls upon the rank of major general, to which office he was raised by promotion. General Ingalls has performed a great deal of important work in the army and thoroughly systematized the quartermaster's department in a manner that reflects him to have been an excellent man of business and of discovery. Outside the ranks of the country for it, but a more substantial recognition of his services by an increase of pay in retirement which will also prove an incentive to executive discretion and economy on the part of those who succeed him in the importance of this.

So far as the increase of Gen. Ingalls' pay is concerned, we see no impropriety in it for reasons already given. But we do object to the intrigue now going on at Washington, by which he is seeking to help his personal friends by destroying the succession in office. By strict observation of the doctrine of promotion, his successor in office would be Col. Halsbird, whose record as a soldier is undimmed by a single blur and his reputation as a man is second to none in the army. He is advocated for the place by Generals Hancock, Sheridan, Sherman, Senator Logan and Secretary Lincoln, which would be good enough backing under any ordinary circumstances. But he is not the man of Gen. Ingalls' choice, and the chances are that a man several files below him will receive this appointment over Col. Halsbird's head. This man is Lieut. Perry, who is related by marriage to August Belmont, and who, through this channel, is bringing the solid support of democratic senators and congressmen to his cause. Add to this influence the entire force of the stalwart ring at Washington, and it will be seen that Lieut. Perry is likely to be promoted over the head of an older if not a better officer.

Any such movement is ruinous to the discipline and morality in the army. We well remember the indignant remonstrance that went up from the masses of the people throughout the length and breadth of the continent, when the booby son of America's greatest soldier was breveted from a lieutenant to a lieutenant colonel over the heads of a hundred grizzled captains and majors who had grown gray under the flag. We recall the covert sneers that pervaded the ever-obsequious English press when the Duke of Connaught was made a major general in the British army over the heads of weather-beaten colonels and brigadiers who had driven the murderous Sepoys to their jungles and beaten back the Muscovite bayonets at Alma and Inkermann before he was born. And feeling, as we do, that no officer should be promoted out of his rank save for bravery on the battlefield, we feel that a great injustice is being done to Colonel Halsbird, and a grievous wrong inflicted upon the body of the army at large.

General Ingalls' car-marks are visible all over this job; for, shrewd and effective worker as he usually is, he has been unable to cover them up. He is a man of big brain, and quick to execute. His methods in the quartermaster's department for the past twenty years are those of a good business man and a thorough soldier, and as such merit hearty approval. His methods of not only getting his own pay increased is that of a rank he never held, and then seeking to designate his successor in office, are the methods of an unscrupulous politician, and as such deserve unqualified condemnation. Once let this sort of work become established, and there will be no such thing as honorable ambition left in the army. The sword will rust in its scabbard, and the army will be filled with drunkards and gamblers, who will rely upon rich relatives and mercenary congressmen to advance them to positions they could never hope to reach by individual merit. Again we hope that this attempt to force August Belmont's "Pinafore" relation into this important station over the head of his superior officer, will be frowned down and given its quietus, even if that quietus should involve the defeat of the bill to increase General Ingalls' pay on the retired list. The latter recognition of his services should be sufficient for that gentleman at this late day, and in "these piping times of peace."

A BARKING DOG.

The following, addressed personally to the editor of THE OREGONIAN, and written in a wretched scrawling hand, was received at this office yesterday:

PORTLAND, Ogn., Feb 15.

If you would be wise in time speak no more of Ireland or Irish. *Canadian* and *Bark* were not removed by Irish but by *Americans*. You insignificant ——, you know it. There are more Scotch or less accumulated in Oregon than in Ireland. Look out for *No.* 1. O. K.

The Chicago *Tribune*, in an editorial, makes just complaint against the signal service bureau, for taking all the thermometrical and other meteoric observations, not from a level where men live and move and have their being, but from the upper stories of buildings eighty or one hundred feet above where most men breathe the the air. There are several degrees variation between these heights and the ground, and for all practical purposes the observations might as well be taken from any other place as from that specified. There is never any agreement between the signal service thermometer and those kept by individuals, and if the present plan is to be adhered to, the signal service officers should give the amount of variation between them and the true places of observation, so that common people might know somewhere near the true degree of heat and cold.

The agricultural department through its veterinary division has been engaged, during the past year in investigating epidemic diseases among domesticated animals. Last June a commission consisting of Dr. Salmond, New York; Dr. Hines, Washington, and Dr. Saunders, Virginia, was appointed to study cattle diseases and requested to report the result of their work to congress. Its report, just prepared, shows the total number of cattle in the United States to be 39,256,355, valued at $1059,130,169. In Texas alone there are 4,072,240 cattle. The loss from epidemic diseases is 10 per cent.

Lobbying has come to be a profession, and just now it is holding high carnival at the national capital. We learn from the classification of an exchange that there is a whisky lobby, a land lobby, a land grant lobby, a quinine lobby, an iron and steel lobby, a Gould lobby and a railroad lobby. Many others might be added to this list, including a plate glass lobby, the lobbyists being the single person to be benefited by the increase of tariff he is after.

The grand jury of St. Louis recommend a saloon license fee of $1,000 for each liquor saloon, with the exception of those where only wine and beer are sold, for which they recommend a license fee of $500. At present there are 1,900 saloons in St Louis, from which the city derives about $200,000 of revenue annually, and it is believed that under the proposed change this amount would be doubled and the number of saloons reduced one-half.

Taking the hint from a bill introduced in the Minnesota legislature, Dakota residents of the Red river valley are urging the adoption of a territorial law to enable townships to issue bonds for the purpose of draining and road building.

THE GROWING CROPS.

Telegraphic reports from the grain-growing counties, which we print this morning, show that general and very serious damage has been done to fall-sown fields by the recent cold weather. It is not yet possible to know the extent of the injury, but it certainly will be great in western Oregon. An incidental misfortune in the general lack of spring grain for seed, is that with this the frozen fields could be reseeded over again in the spring, and the farmer would be little more than the cost of new seed and the labor of resowing. But with three months to be but little, if the proper kind of seed wheat in the country, it is thought that a few cents per bushel above the market price will fully suffice to do the fall work over again. In many localities, particularly in Marion and Linn counties, and in a lesser degree elsewhere, the ground has been raised a foot or more above its natural level. Soils thus disturbed have been greatly benefited. The very heating rains of western Oregon, while they revive the soil and are the chief blessing of the farmer, have a tendency to pack the surface ground into a hard, unbreakable crust. This the frost will crumble into dust. Fields deeply frozen will be almost as much benefited by the lifting and crushing of the soil as if they had lain fallow an entire season. But if every locality in western Oregon last fall were frozen, it would not indicate a general failure of crops, though of course the surplus for export would be less. The spring weeks will afford another seeding time and few fields will be abandoned for the whole season.

It ports from eastern Washington and Oregon Walla Walla, Umatilla, Columbia, Garfield, Whitman and Spokane counties show that crops there have not been damaged and that in fact they promise unusually well. Abundant rains in the fall put the ground in fine condition and during the cold weather holes have been covered by a protecting coat of snow. The clever extravagance of our Walla Walla correspondent, that the people of the region next fall will "have twenty dollar pieces to throw at the birds" indicates the hopefulness felt in that country. "Crops never fail in Oregon" nor we may add in Washington.

Mr. Richard K. Fox, the celebrated sporting editor and manxman, has been arrested for endeavoring to bring into a combat with gloves the notorious J. L. Sullivan and the Maori champion Blade. Mr. Fox declared with a good deal of truth that a glove show should be as free as a mock duel in the drama. Indeed, Mr. Fox might go a step further and say that the police law allows such barbarism as shooters of apples off the heads of women to commit homicide with impunity—and yet, when never a man has been killed in a glove fight encountor, the same justice arrests as a malefactor one who arranges a friendly tussle at skill and strength!

HISTORIC NAMES.

TO THE EDITOR OF THE OREGONIAN:

I notice in to-day's OREGONIAN a letter from Bishop Morris, as also one from Mrs. E. M. Wilson, of The Dalles, to him, relating to the name of "Lee's Encampment," in the Blue mountains, and the circumstances under which it was given. It was undoubtedly named on the 19th of April, 1836, by Captain Thomas McKay, and in honor of Rev. Jason Lee, the real pioneer of Oregon, who had been in the Williamette valley since the autumn of 1834, and was then on his way back to the states for a reinforcement to his mission. The story, as given by Mrs. Wilson, is a very interesting and romantic one, but several of its incidents are apocryphyal. Of course she gives them with all fidelity to her information. I have before me at this writing the manuscript journal of Mr. Lee, himself, just as penned by his own hand, and covering his journey to Oregon in 1834, his and Counsey's back to the states in 1836. Mrs. Wilson states that Dr. and Mrs. Whitman accompanied Mr. Lee as far as "Lee's Encampment" where they took leave of him after enjoying the hospitality of Captain McKay and his people. This is the fact as narrated by Mr. Lee himself:

Mr. McKay's camp was near Dr. Whitman's station and all was ready for moving on the 18th or April, Mr. Lee thus says:

"April 19. Came to camp accompanied by Doctor and Mrs. Whitman and Mr. Spaulding; it was in motion, and we passed on to the front. I then remained with them until all had passed, and we kneeled on the bank of a small stream and Mr. Spaulding commended us to the throne of grace. We then took the parting hand, and they returned to their arduous labors and I pensively pursued to camp.

"April 19th was Sunday, and the camp did not move, nor did it move on Monday, the 20th, on account of violent rain. On the 20th they came to the river Meecan (Wild Horse), rolled a tree and carried over the baggage.

"On the 18th they reached the Umatilla at the old Cayuse station crossing, but finding the river too high for fording remained until the 19th, when they crossed the river, Rv. P. L. Edwards narrowly escaping being drowned.

"April 19th. Came a good march to the middle of the Blue mountains, and camped on a small plain.

"This was 'Lee's Encampment.' At this point Mr. Lee's company, Captain McKay's company, and Frank Ermsinger's company all united to travel together towards rendezvous."

It will be seen that doctor and Mrs. Whitman had parted with Mr Lee six days before. The now united companies remained here only one night, and on the 20th Sunday crossed the remainder of the mountains and camped on the Grand Ronde river."

Captain McKay had the greatest confidence in, even affection for, Mr. Lee, as evidenced by his committing his two sons, William C. and Donald, to his care to take to the states for an education. On July 20th, on Bear river, Captain McKay finally took leave of them, "the parting scene being very affecting."

H. K. HINES.

Portland, Feb. 15.

NEWS OF THE NORTHWEST.

Western Oregon.

The stove works at Salem began operations Wednesday.

The store of Geo. E. Aiken, at Silverton, was entered Tuesday night and about $400 worth of goods taken.

The employes of the Oregon City woolen mills have presented Messrs. J. G. Bennett and D. T. Rogers each with a set of silverware.

The Jefferson institute was founded in 1857, and has accommodations for 300 students. It is out of debt with an endowment fund of $5000. There are now 107 students enrolled with about 40 in the academic department. Prof. Willson is principal, with Miss Green in charge of the primary department.

Washington Territory.

Dayton has 17 brick buildings.

Mrs. Captain J. D. Miller is lying quite ill at Walla Walla.

A brick building in Seattle is being remodeled for use by a national bank.

W. L. Graves is preparing a summer resort on the shores of lake Washington.

Farmers in the vicinity of Union Ridge are annoyed by thieves taking provisions, and even hay.

It is understood that Seattle connection with the N. P. R. R. will erect an elevator before harvest in cost $250,000.

Mr. Weymouth, of Kansas city, has been appointed superintendent of the Columbia and Puget Sound railway. He is now on his way to Seattle.

Idaho.

Frank McDonald, a hard character and well known round in these parts, was shot and mortally wounded at Moscow Monday night by Frye, proprietor of the Whitney house, at that place. Frye detected the brute attempting to crawl through a window into his daughter's bedroom.

The chief of the surveying party of the Oregon Short Line arrived at Lewiston Monday night. He reports boats with provisions swamped and two ferries numerous. He says the road will be built down the river to Lewiston, and that the survey is progressing favorably.

PRESS PITH.

A wise woman will not light the fire with kerosene, but will invite the servant girl to walk six cows three months' wages to do the same.—*Denver Tribune.*

A dispatch dated January 18th, from Ottawa, says: "Professor Wiggins claims the storm of yesterday." Well, he can have it. Nobody else wants it.—*N. Y. Commercial Advertiser.*

The man who can make his living with his head is of the lucky ones of earth. He has a soft thing, and knows it. When he pretends otherwise he is a humbug.—*Stockton Herald.*

Inquirer. No, we don't believe in taking the bull by the horns. We tried taking a goat by the horns once, and that was enough for us.—*Baltimore Commercial Advertiser.*

Talmage claims to have evidences against 32 different preachers who have stolen his sermons. You wouldn't think 500 were so many, now, in the profession, would you?—*Boston Post.*

At St. Anne's Sunday school, in Lowell, in answer to the question, "What is the greatest blessing you have?" a little daughter of six years promptly responded, "The strawberry festival."—*Citizen.*

In Maine they are fretting about pine in the old oak forests, and fear it cannot be replaced. At least the Chairman of New England apparently considered it so when he was asked by a friend. N. Y. *Commercial Advertiser.*

A [illegible] on a woman's [illegible] also found [illegible] clothing [illegible] in the [illegible] with her [illegible] [illegible] [illegible]

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GILMAN & CO.,
First St., bet. Pine and
BALES OF REAL ESTATE
Goods, Merchandise, Horses
SALE DAILY, Tuesday
A.M.
LAR AUCTION
OF
EHOLD FURNI
ETC., ETC., ETC.
IDAY, FEB. 16, 1
OUNSELOR FURNITURE
Under 20c. Hosiery, Pocket
and Tan, gent Harness
GILMAN & CO., Au
DING WHISKY
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Portland, Or.
Different Styles to
Musical Instruments in the
IANOS. ORGA
rothers, Mason &
& Co., Clough &
A. B. Chase.
Co.
IANOS. ORGA
$345, $190 $115
$425, $400, $175, $100,
LOWEST PRICES KNOW
easy installments, with interest
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Special Installment Plan
On Pianos less than $400, 65
month until paid.
On Pianos $400 and over, 80
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Or, Pianos, $20 cash and $10 m
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OF ALL KINDS.
LLIAM BECK &
167 Second Street.
UMBER ADVANC
TY PER CENT. CHEA
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and having made money, and
to give others a chance to
offer for sale, at cost
YOUR TIME TO BUY
PORTLAND SAW MI
locks; water front 330 feet long
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and complete, all in good order
Three machines, there's where
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Take your time,
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MESQUIT
FOR
North Side Steam
A wagonful of wood
ant Planey Dress
reasonable rates.
Office: Cor. Second
Front streets.
Telephone No. 28.
W. M. COLLIE
MACHINIST,
in New and Second-Hand
Machine and Mill Machinery.
Street, bet. Third and
DE BOISE LINE
FOR MAN OR BEAST.
NG OF THE WORLD
Horses, Mules and Jacks
SE, DAVIS & CO., San Fra
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Spencer's Fourth, Sixth
Son of Indiana" Wear Boots
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48 MORRISON ST.,
Between First and Third, Portland
Best of workmanship. Prices
Signs in any quantities. Send
bert Barts
STREWAY and YAMHILL

The Daily Oregonian.

SUNDAY MORNING, FEB. 16, 1883.

CITY.

Cape Horn Pigeons.—The pigeon carcass which, from the San Francisco train have all been dressed and, it is to be hoped, have been received in safety by the feathering their nestlings in safety. Mr. W. S. Ladd, yesterday, gained a number of them in a pound in his property on the east side. Capt. Reed has also his thousands of pigeons on the Sandy. The bird has been introduced from Australia, and it is to be hoped that it will not destroy the crops as the sparrow has done. It is suggested that either the Legislature or the County Court should offer a bounty for the destruction of the pigeons, as they are easily killed, and in large numbers. Pigeon pie is a delicacy, and the birds are said to be very fine eating, combined with the fact that they are easily killed, and in large numbers. No wild game ever tasted of eating them.

Safety Guards.—A meeting will be held in the Board of Trade room at 7:30 o'clock this evening, at which Mr. A. Meldrum, a mechanical engineer and machinist, will explain and exhibit a model of a safety guard for railroad cars, which he has invented. Mr. Meldrum has been employed for the past few years in the railroad shops at Salem, and has had many opportunities to observe the defects of the present system of coupling cars, and has devised a plan which he thinks will be acceptable. The model, which is now on exhibition in the car-room, is very simple in its construction, and can be applied to the cars at a small expense. Those who are interested in the matter should not fail to be present this evening, as they are certainly not known. No white men ever think of eating them.

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Jurymen Fined.—The twelve jurors in the case of Miller vs. Ogden, tried in the circuit court on Monday, amused themselves by comparing notes after a verdict had been arrived at. Some idea of the heterogeneous nature of the population of this section can be derived from the following statement of the nativities: From New York 2, Massachusetts 1, Ohio 2, Tennessee 1, Virginia 1, Kentucky 1, Rhode Island 1, Canada 1, Germany 1. The combined ages of the twelve amounted to 602 years, being an average of 50 years and 10 months. It is very seldom that so old a jury is impaneled.

Land Company Incorporated.—Articles of incorporation of the Portland Land company were filed in the county clerk's office yesterday by Joseph Simon, Chas. B. Bitton and Seneca Smith. The business in which the corporation proposes to engage is buying, holding, building upon, grading, selling, mortgaging, and conveying real estate, and a general trading discount and brokerage business, and constructing and operating both cable and street railways. The principal office is in the city of Portland and the capital stock $160,000 in shares of $100.

Case or Quite Rare.—A horse belonging to G. S. Jackson died near the corner of Second and Main streets on Tuesday night, and at noon yesterday had not been removed, notwithstanding that Jackson had been notified to attend to the matter. Yesterday afternoon a warrant was issued by Justice Kelly for Jackson's arrest. Jackson claims that he has not been able to ascertain where the carcass should be deposited, and that it was as the city officials will inform him where it can be left he will have it removed.

Insolvent.—The grand jury found a true bill in the case of J. W. Henry, who was held to answer in Justice Bushwriter's court in the sum of $200 on a charge of larceny by bailee. Henry is a hotel keeper at Albina, and it was charged that he converted to his own use the proceeds of a check left in his charge. He was arrested by Sheriff Sears, his bail having been fixed at $500. Up to a late hour yesterday he had not been able to procure it and was confined in the county jail.

Contracted Sidewalks.—Five Chinese merchants doing business on Second street between Morrison and Washington were arrested yesterday for obstructing the sidewalk. They each deposited $5 bail for their appearance in the police court to answer to the charge. If there proves to be no district attorney present to prosecute the matter the defendants probably be more arrests made, and it may be that some Chinamen will be counted in.

Tempus Fugit.—Jim Sullivan, who was discharged from the city jail yesterday morning, was arrested last evening charged with assaulting Mose Carson. It appears that Mr. Carson, who is a respectable elderly gentleman, was walking quietly along the street when Sullivan in passing him remarked, "I'll give you one just for luck," and struck him down. He will try his luck in a tussle with Judge Moreland to-day.

Tempus Fugit.—R. J. Reeves, who left here two weeks since to arrange for the opening of the First National bank in Baker City, has returned without opening a bank that place. On arriving at Pendleton he found the weather so cold that he concluded to stay there. With the thermometer at 30 degrees below there is no fun and plenty of danger in travelling.

Handsome Books.—A complete set of books for the First National bank of Baker City was on view at the Portland Savings bank yesterday. They were manufactured to order in this city, and for beauty and excellence of workmanship in ruling, printing and binding cannot be surpassed.

Contempt.—The case of the United States vs. Wm. Martin, sheriff of Umatilla county, came up in the United States district court yesterday. It was not for trial on agreement as to the facts, but as the party was prepared with the facts it was considered up-to-day.

U. S. Circuit Court.—Judge Deady will deliver an opinion in this court this morning in the case of Trevor et al. vs. Baker.

BRIEF MENTION.

The General Miles leaves Astoria for Tillamook to-morrow.

J. Selling leaves on the next steamer to purchase his spring stock.

P. W. Stockton leaves this morning for Astoria to attend the "Esmeralda" company.

It was rather early in the season, but a four-horned shell was perching on the trees yesterday.

Judge Deady yesterday ordered that twenty-three grand jurors be summoned for the court, to appear on March 20th.

The Grand jury yesterday found a true bill in the case of Columbus Duffy, charged with stealing D. D. Lazin's watch.

There will be a stated meeting of Portland lodge No. 86, A. F. & A. M., at their lodge room, Masonic Temple, this (Friday) evening at 7:30 o'clock.

Professor Condon lectured at the Congregational church this evening on "The Development Theory." A very interesting recital may be counted on.

Two boys, Arthur Hopkins and Richard Morton, were arrested yesterday charged with stabbing the hallyards from derrick Bain's flag staff. They will be examined to-day before Justice Bushwriter.

PERSONAL.

Capt. Geo. D. Hill, of Seattle, is in the city.

Mrs. M. E. Miller, of Dorchester, Dorset, is in the city.

Hon. J. D. Lee, of Polk county, was in the city yesterday.

Mrs. Capt. J. D. Miller, formerly of this city, is very sick at Walla Walla.

D. F. Dowell has returned from his trip to Boston and New Orleans. He left the latter place on the 5th and arrived in Portland. He says Portland is the best city on the coast.

NO SMALLPOX AT DAYTON.

[SPECIAL DISPATCH TO THE OREGONIAN.]

Dayton, W. T., Feb. 15.—Dr. Dorris, county physician in the Dayton and Walla Walla district, has returned to the city from a visit to Dayton, where he has been to investigate reports of smallpox existing there. He says there is no smallpox and no contagious disease of any kind in the place, and the reports are unfounded.

BUSINESS NOTICE.

W. H. West, agent for the Oregonian, has opened an office at Ankeny's Washington block, corner of Second and Ankeny streets.

WOMAN SUFFRAGE CONVENTION.

Second Day—Evening Session.

The court-room was crowded to overflowing in the evening. President Gourlay presided, and Mrs. Duniway was the first speaker. She said that the question of woman suffrage was not a new one. It had been agitated for years, and was now before the people of Oregon. It was a question that should be considered by the people, and not by politicians. Politicians were not to be relied upon. They were not to be trusted. They were not to be relied upon. They were not to be trusted. They were not to be relied upon. They were not to be trusted. They

The Daily Oregonian.

FRIDAY MORNING, FEB. 16, 1883.

THE BRANSON CASE.

In the Supreme Court of the State of Oregon, October Term, 1882.

COPY OF THE OPINION OF THE COURT

In the case of R. R. Branson, W. S. Ladd and W. S. Ladd, respondents, vs. The Dayton, Sheridan and Grand Ronde Railroad Company, The Willamette Valley Railroad Company, The Oregon Railway Company, Limited, The Oregonian Railway Company, Limited, Joseph Gaston, Elbert M. Gaston, William Reid, and J. H. Montgomery, Appellants.—Appeal from Yamhill county.

SYLLABUS.

1. The provisions in the constitution and statutes of Oregon, creating the liability of stockholders in private corporations, for the satisfaction of such corporations, apply to holders of the legal title to unpaid stock.

2. The ratification of an unauthorized act or contract, professedly done or entered into on behalf of a corporation, may be inferred from its subsequent conduct in respect thereto, the same as if it were a natural person.

3. The amounts specified in contracts to pay definite sums of money, with a certain rate of interest on or before stated periods, in freight and passage over the projected railroad, become due, together with the stipulated interest, at once, in money, upon the failure of the promisor to comply with the terms of its agreement, and its ceasing the exercise of the power to comply with it, by the sale and disposal of its railroad.

4. The supreme court has power, under section 180 of the civil code, to entertain an application to relieve a party from a decree taken against it "through its mistake, inadvertence, surprise or excusable neglect," and appeal before it has had an opportunity to make the application to the lower court, by which the decree was rendered, and upon setting such decree aside, upon such application, it is also within its power to remand the cause for further proceedings in accordance with its decision.

The court after pronouncing that judgment to be substantially correct if the case were to be decided on the pleadings, observes:

This virtually disposes of the objections to the decree of the court below, as to all the appellants except Reid and Montgomery. It is admitted by the pleadings that Gaston, Hughes, the Oregon Railway Company, Limited, and the Oregonian Railway Company, Limited, took and held the legal title to the 5000 shares of the unpaid capital stock, amounting to $500,000, of the Willamette Valley Railroad Company, successively, in the order in which they are named.

Upon their liability, on this ground alone, the decree of the circuit court may well be sustained. But neither Reid nor Montgomery is alleged to have ever held the legal right to any of this stock. Their liability depends upon the construction to be given to a certain undertaking of indemnity, executed by them, Hughes and the Oregon Railway Company, Limited, to and in favor of Gaston, on April 2, 1880. Hughes and since December 28, 1879, had been holding the legal title to the stock before mentioned, and all other rights, interests, and claims belonging to Gaston, in, to, or against the Dayton, Sheridan and Grand Ronde Railroad Company, or the Willamette Valley Railroad Company, in trust, under certain written assignments executed to him by Gaston, to dispose of or transfer to any person, or corporation, who or which might provide the means to pay off, or the indemnity against, certain debts and liabilities of Gaston's, in such written assignments specified, and also to make some other payments and "provisions, not material to be considered here.

The undertaking of indemnity, after reciting the terms and object of the assignment to Hughes and that the Oregon Railway Company, Limited, had been incorporated and organized, by Reid, Montgomery and Hughes, for the "express purpose of receiving a transfer, assignment, and conveyance," of said capital stock, &c., from Hughes, as such trustee and complying with the terms (specifying them), upon which Hughes was authorized to make such transfer; and that Hughes, in pursuance of his trust, and, "at the special instance and request," and for the "joint and mutual personal benefit, interest and advantage" of said Reid, Montgomery and Hughes, "had by a deed of assignment of even date," "duly assigned, transferred and let over, to the said Oregon Railway Company, Limited, and said singular, the said railroad capital stock, rights, interests, claims and demands, &c.," and declaring that in the execution of such undertaking of indemnity they not "as private individuals acting for themselves," and to promote "their private and personal interests in the said Oregon Railway Company, Limited, &c.," proceeds as follows: "We do hereby contract and agree to pay off and discharge all the debts and liabilities of the said J. Gaston, J. Gaston & Co., which may have been incurred for, or arising out of the construction of the said Dayton, Sheridan and Grand Ronde Railroad, and its Dallas branch, &c., and said J. Gaston and the Dayton, Sheridan and Grand Ronde Railroad Company incurred for labor or material furnished or used in the construction or operation of the said Dayton, Sheridan and Grand Ronde Railroad and its said Dallas branch. So as to save harmless, in all respects, the said J. Gaston, and J. Gaston & Co., from all pecuniary liability whatever upon all and every matter, or thing of every description, incurred for, or arising out of the construction or operation of the said Dayton, Sheridan and Grand Ronde Railroad, and its Dallas branch. This indemnifying agreement contains an express declaration that all the covenants and agreements therein on the part of Reid, Montgomery and Hughes, "are made for and on behalf of the Oregon Railway Company, Limited." Such is the purport of the obligation upon which the court below decreed the liability of Reid, Montgomery and Hughes, as guarantors of the Oregon Railway Company, Limited, in respect to the covenants therein expressed in Gaston's favor.

This portion of the decree is, in our judgment, erroneous.

Gaston's having, at one time, been the legal owner of the unpaid capital stock before mentioned, and having made voluntary sale and transfer thereof, constituted the only grounds of his liability for the demands of the respondents in this suit.

There is no provision in the obligation indemnifying him against such a liability. The Dayton, Sheridan and Grand Ronde Railroad Company became indebted individually for the amount subscribed and paid for which the "freight receipts" were issued.

As soon as the amounts subscribed became payable, under the terms of subscription, by the progress of the work of construction, it belonged to Gaston under the stipulations in his contract with the company, and never became a debt against him or against him and the company "acting out of the construction of said railroad." It never was a debt or liability of his own, individually, or of his and the company's together; against which only the obligation undertakes to indemnify him. And if the money so received by him, and expended in procuring "labor and material" used in the construction and equipment of the railroad, could by any possible interpretation be held to be included in the description, "labor and material used in the construction and equipment of said railroad," still it would avail him nothing, for it is evident that he incurred no indebtedness or liability on account of it. Such being our view of the effect of this undertaking of indemnity, it follows that the decree against Reid and Montgomery should be reversed.

We come now to the consideration of the motion to remand. Hughes as the attorney of the Oregonian Railway Company, Limited, appeared for it in this suit, and filed its answer sworn to by the complaint, verified by himself as its attorney, for the reason assigned in his affidavit of verification, "that none of the officers of said company, either the president, secretary, treasurer, or any of the directors are now within the State of Oregon." This answer was filed July 21, 1882.

Inconsistent as express admission of the truth of the allegation, in the amended complaint, that said capital stock was transferred to said company on December 11, 1880, and did not controvert the further allegation in said amended complaint in respect to such stock that such corporation is now the owner thereof."

As we have already said, these admissions in the pleadings exhibit this company as the legal owner and last holder of said unpaid capital stock, and establish its primary liability as fixed by the decree of the circuit court. On the same day the answer was filed a stipulation was also filed, subscribed by the respondent's attorney, and by Hughes as attorney for the Oregonian Railway Company, Limited, in the following words:

"It is hereby stipulated and agreed that the answer of Hughes as attorney for the Oregon Railway Company, Limited, and the separate answer of Hughes as trustee and the Oregon Railway Company, Limited, alleged in the amended complaint, are admitted, but in both said answers the claim is set up that the said individuals and said corporation were acting throughout such transaction merely as the agents and parties for their principals, the Oregonian Railway Company, Limited, and should, in no event, be held liable for the demands of the respondents.

It appears from Hughes' answer, and from depositions taken on behalf of the appellants as well as by the terms of the stipulation, that the Oregonian Railway Company, Limited, by deed of December 11, 1880, that those admissions of the transfer of stock to the latter from the company, and the stipulation in the separate answer and stipulation are facts, in fact, inserted to were incorrect and untrue. As the "stable property of the Oregonian Railway Company, Limited, would not be liable to contribute to the payment of respondent's demands. Meriwether vs. Currier, 2 Barb. 294; Adderly vs Storms, 6 Hill 628; Thompson's Liability of Stockholders, sections 175-9.

So, if Hughes was the duly authorized agent of the company, in taking the legal title to the stock, in his own name, as long as good faith, and with no evil intent or fraud on principal, only, as was reported of him, in one of the documents in terms of instrument, as the case now would be held in order to hold the stock received by him by reason of having taken and held such legal title for the company by its direction and all parties being before the court, it would seem entirely within the rules of equity to make the company liable in the first instance. But the principles in such case to be needed only through its ratification and adoption. If no agency existed, or if existing it has been exceeded and abused to such an extent as to preclude any recourse on such implied principle, the agent himself, third parties claiming through him are equally precluded. But it is obvious that the alleged principal should be allowed an opportunity to make its defense before being adjudged liable. The pleadings in this suit presented no such issue; neither was there any evidence submitted that had any bearing upon the question, save that given by Hughes himself. On the motion to remand, the Oregonian Railway Company, Limited strenuously contends that Hughes was not its agent in the matter of taking said legal title to said stock and that Hughes was not its agent, in purchasing such stock for it, was exceeded and abused to such an extent as to preclude any recovery he might otherwise have had against it; and particularly in this, that such purchase was authorized only on the express condition that said stock was wholly and absolutely free from "all mortgages, debts, claims and encumbrances whatever, according to the laws of Oregon;" that Hughes and Reid, upon whom it relied in this transaction, with full knowledge of all the facts, did represent the stock to it as being thus free and unencumbered, and thereby induced it not to take whatever action it did take in the premises. If this state of facts were established, it would constitute, assuming that the company never held the legal title in the unpaid capital stock, a good and complete defense for it in this suit. And whatever the actual facts may be, which a regular trial would develop, it is sufficient to say, in this place, that the party moving to remand, has presented *prima facie* proof in support of its motion, which, in connection with facts appearing in the record of the suit itself, to our judgment clearly entitle it to be heard before its liability is finally determined—if it be not now too late so to let in a defense on the merits.

The Oregonian Railway Company, Limited, was a foreign corporation incorporated and organized under the laws of the United Kingdom of Great Britain and Ireland, and having its principal place of business at Dundee, Scotland.

The service of the summons of this suit was made on Reid as its managing agent, in this state on June 13, 1881. Hughes its regular attorney being absent. Reid procured other attorneys who appeared for it and filed a demurrer to the complaint, and continued to manage the defence, until Hughes' return. On the motion company contends that it never had any notice of this suit, except such as may be implied from the knowledge of Reid and Hughes, as its managing agent and attorney, until after the decree in the circuit court had been rendered against it. The evidence on this points is conflicting. That it had no actual notice of the character of the defense made for it by Hughes, and of the admissions made in its answer in respect to the transfer of it, and its ownership of said unpaid capital stock, upon the proofs offered upon the motion to remand, seems to us pretty well established. From the time it is alleged to have obtained actual notice of these facts, it is not chargeable with any laches in making efforts to have the decree opened up, and to be let in to make its defence on the merits. The case was already appealed, and pending in this court, and the company was embraced in the opportunity to move for a hearing upon the motion, upon such terms as justice might demand.

Besides, the large amount of this decree, in this instance over $35,000, in view of the fact that there has been no showing before us as to Mr. Hughes' ability to respond to so large a sum, with accumulating interest, and costs of litigation if he should ultimately be adjudged liable therefor in separate action between the Oregonian Railway Company, Limited, and himself, prevents us from presuming that in such an event the company would have ample recourse.

Whatever doubts we may have entertained at any time as to the propriety of making the remand have been, in no inconsiderable manner relieved by the declared willingness on the part of Mr. Hughes for himself and co-defendants, for whom he appeared on the appeal, that such order, if within the power of the court, should be made with leave to all parties to reframe their pleadings so as to present the real merits of the case as between the appellants.

It is, therefore, our opinion that the decree in the cause should be set aside, with leave to all parties to amend their pleadings in general, and to present the issues for their better expression, and upon such terms and under such directions as the circuit court shall order.

Respondents to have costs and disbursements of appeal.

WALDO, J.

I am of the opinion the Oregonian Railway company, Limited, would be liable under the law to contribute towards the satisfaction of the judgments of the respondents, which form the basis of this suit, by reason having been the holder of the legal title to the unpaid stock, subsequent to the recovery of such judgments, whether the "freight receipts" were to be deemed contracts to pay in money, or contracts to pay in freight and passage according to the terms of simple contracts to carry freight and passengers, as I am inclined to think they are.

SALEM NOTES.

FROM THE OREGONIAN'S LEGAL CORRESPONDENT.

SALEM, Feb. 15.

Hon. J. W. Grim and C. E. Mattison, two of our honored planters, are in the city.

Hon. J. H. Upton, register of state land office at Lakeville, returned to the city to-day.

Wm. Johnson, of Mill Creek, has a couple of fine colts advertised for Friday evening.

Hon. E. P. Boghan, of Albany, has been appointed notary public for the ensuing two years.

Hon. L. W. Scott, president of the county fruit growers' association, is on Prospect avenue this morning.

C. M. Cartter, of this city, has been re-elected one of the curators of the State university at Eugene city.

Albany Lodge No. 313 I. O. of R. H. have fitted and elected the following officers for the ensuing six months: Lewis Brooks, N. Pepper and G. F. Fogle, trustees for operators. Capital stock $500.

John A. Faulkner of Red Bluff, Cal., is in the city superintending the transaction of his private and commercial affairs. He left Red Bluff, where he owns a fine large cattle ranch, on the 1st inst.

Al Zirkle of your city has been in Salem for several days and is engaged in negotiating for the lease of the Chemeketa hotel for a term of years. With the urbane Zirkle at the helm the Chemeketa would stand at the head of the list in Oregon hotels. We hope the matter is correct.

The state board of education has come to the services of Judge C. E. Mason and will at its next session try to take charge of the penal school which is to be opened at this city. The complete public system of and the board has been favored in rendering their services. The school will be opened about the 1st of April.

Goldsmith & Lowenberg have commenced active operations at the sawed foundry at the prison. The genial Louis Kuhn is on the ground re-arranging affairs and hopes to be in full blast in a few days, employing a large force. The O. & C. R. R. contemplate the early construction of a side track on to the works and the industry promises to be beneficial to the inhabitants and the state at large.

The Salem water company having purchased a piece of ground on the south side of Mr. Breck, just below the covered bridge, will at an early day commence the erection of a mill and flume there with the suction leading across the sidash and through the lower part of said island into the channel of the river above the city. They will have their pipes in the latest improved patterns which, it is hoped by means of an endless chain connected with the water power at the agricultural works, in order, however, to provide against accident they will also have a heavy engine and pumps, all thus insuring a constant supply of water at all seasons and under all ordinary circumstances. They will employ a number of hands to run the mains. The company show a laudable degree of enterprise in their undertaking.

FINANCE AND COMMERCE.

THURSDAY, Feb. 15.

The change in the weather has had a healthy effect upon trade in all directions. Navigation having opened and rail traffic having been resumed, orders are being filled promptly. Receipts of produce at this point show quite an increase except in wheat. Flour to fill ships at wharves has been received freely. The smaller lines of produce show increased business.

The last charter effected in this market was the Trevelyan, for three. Several ships are available, but as no wheat can be had nothing to lose. A few vessels may be taken for flour, but the wheat exporting season is considered virtually ended. At San Francisco freights have advanced, while ships are holding out for still higher rates. The list of vessels on way here is very light. The latest taking at San Francisco is a wooden ship for U. K. at 42s 6d.

The wheat market continues unchanged in an inactive state, and no business whatever are reported here. Mills continue to buy small lots in the interior, at prices which are reported above supposed market values. While we cannot quote over $1 80 here, yet it is doubtful if holders would take that in the present condition of other markets. All advices to-day are of a strong and healthy tone. To-day 49s 6d was offered for a wooden cargo at present going in here, but the holder asks more.

Flour firm at the recent advance. Cats steadily held with no quotable change in values. Mill feed unchanged. Hay shows an advance, with visible supply rapidly lessening.

Potatoes higher, values affected by large quantities being frozen. Eighty-five cents was paid in market to-day to fill orders. Onions very scarce, with stock concentrated.

Butter shows slight advance. A car lot shipment has been received from Oakdale, yet we continue to send away. Cheese, some lower. Dried fruits in fair request at steady values. No pears in.

Butter, steady, with supply about equal to requirements. Eggs, lower; yet stocks are not large.

Chickens, only steady at the decline. No ducks in market.

Wool markets at the east show more strength, as will be seen by reports below. Very little now here, and we quote higher.

Receipts of produce for the past 24 hours have been, from the valley, 2251 ctls wheat, 1620 bbls flour, 380 ctls oats. From Eastern Oregon, 500 bbls flour.

Reports from the interior would indicate that full sown wheat has been damaged by the late cold weather, as the ground is frozen to the depth of several inches. Until the ground thaws thoroughly no reliable estimate can be formed of the damage. Several interior papers report whole fields ruined, which will necessitate re-sowing. Best informed parties assert that it is too early to anticipate any important failure, as the plant, with growing weather, is likely to receive fresh impetus and come out in splendid shape. Much depends upon the weather to come, and indications point to warm rains. Should it be necessary to re-sow fields, farmers will find it difficult to procure seed, as they have cleaned their granaries, except that actually needed to sow fields. Further and more reliable data is anxiously awaited here. From east of the Cascades, the respondents could not have been ignorant of the facts disclosed by the record itself, in the testimony given by Hughes, and in the terms of the conveyance of December 11, 1880, from the Oregon Railway Company, Limited, to the Oregonian Railway Company, Limited, that the said stock, subsequent to the recovery of such judgments, whether the "freight receipts" were to be deemed contracts to pay in money, or contracts to pay in freight and passage according to the terms of simple contracts to carry freight and passengers, as I am inclined to think they are.

Chicago Markets.

CHICAGO, Feb. 15.

Wheat Irish, $2 06½ March
Pork—Active; Higher; Feb 15@18 17½ March.
Lard—Higher; $11 85@11 95 March.
Ribs—Turn dearer; $9 37½ March.

Dr. C. W. Benson's Celery and Chamomile Pills are prepared expressly to cure sick and will cure Headache of all kinds, Dyspepsia, Nervousness and Sleeplessness. Proved and endorsed by physicians.

List of Letters

Remaining in the Post-office at Portland, Oregon, February 15, 1883. Those calling for these letters will please state the date on which they were advertised.

Women's List.

Abrams, Miss Annie
Alexander, Mrs Jennie
Brown, Mrs J M
Bryant, Mrs Jennie
Bayliss, Miss Mary
Bell, Miss Ella
Bell, Mrs Mary
Bell, Miss Mary
Bell, Miss Mary
Bell, Mrs Mary
Bell, Mrs Mary
Bell, Mrs J
Bell, Mrs M
Bell, Mrs M
Bell, Mrs M